

**REMARKS**

Claim 6 (6/5/4/1) has been rewritten in independent form and, thus, now should be **allowable** per the Examiner's statement in the Office Action at page 2, paragraph 2.

Applicant respectfully requests the Examiner to reconsider and withdraw the other claim objection in view of the above corrective amendments to claim 1; however, Applicant does not see any defect in the language of claim 4, in that the word "of" is already in the claim. If there is still a problem with claim 4, it is requested that the Examiner **call the undersigned attorney**.

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 5 and 8 under 35 U.S.C. § 112, second paragraph, in view of the above corrective amendments to claims 5 and 8. (The dependency of claim 8 has been corrected to provide antecedent basis for "said concentrator".)

Applicant respectfully traverses the following statutory prior art rejections.

Claims 1, 7, 10, 13 and 15-16 under 35 U.S.C. § 102(b) as being unpatentable (sic, **anticipated**) by Goto '989;

Claim 8 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Goto '989;

Claims 2, 3 and 11 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Goto in view of Matsutani '406;

Claims 4, 5 and 12 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Goto in view of Korowitz EP '107; and

Claims 9 and 14 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Goto in view of Schmutz '621.

Applicant respectfully traverses these rejections, and respectfully submits that the pending claims 1-16 are neither anticipated by nor *prima facie* obvious from the disclosures of these references, taken alone, or in any combination, for the following reasons.

The master slave communication system of Goto '989 employs a main station and a plurality of peripheral stations wherein data is transmitted between each of the plurality of peripheral stations and the main station. The main station comprises a first timer device, and each of the peripheral stations comprises a second timer device. A data signal is transmitted between each of the peripheral stations and the main station every communication unit period, and the order of the communications therebetween is predetermined. An initializing data signal is transmitted from the main station to each of the peripheral stations, and data is then transmitted between the main station and each peripheral station every individual communication period of each of the peripheral stations.

The data communication system and method of Matsutani '406 employ a master station and a plurality of slave stations. Data is transmitted between the master station and each slave station in both directions. In order to provide a more efficient transmission of control data, Matsutani suggests the use of flag data in the messages to and from the slave stations for indicating that a change in the data has occurred, and only if a flag is present in the transmission, changes in the data will be checked and updated accordingly.

In Korowitz (EP '107) there is disclosed a distributed control system including an area controller and a plurality of field controllers. The field controller manages at least one controlled device in an industrial process operation. The field controller comprises a processor module

segment through which it can control a selected number of devices, and it may also include one or more expansion module segments to enable it to control a larger number of controlled devices. The processor module controls each controlled device through the respective local interface module or expansion interface module connected thereto.

As it is readily appreciated from above, these three references disclose nothing more than arrangements that fall generally within "the second control methodology" discussed on pages 2-3 of Applicant's specification, namely the use of a central controller to manage a group of peripheral units. Of course, such use makes the operability of these arrangements dependent on the presence of a central controller at all instances of operation.

As for the rejections of dependent claims 9 and 14, these claims should be allowable for the same reasons that their respective parent claims 1 and 10 are allowable. That is, in view of the above-described deficiencies in Goto's disclosure, Schmutz's mere disclosure of the feature of "a radio relay system which utilizes controllers on a communications bus" clearly does not compensate for the deficiencies in Goto's disclosure, and, in any event, even if, for some unknown reason, the disclosures of Goto and Schmutz were combined, there would not be produced the subject matter of each of claims 9 or 14, or subject matter which would have rendered these claims *prima facie* obvious.

More specifically, a rejection based on anticipation under 35 U.S.C. § 102(b) requires that the applied reference disclose, either expressly or inherently, each feature of each of the rejected claims, or in other words, that each of the rejected claims be readable on Goto's disclosure.

Applicant respectfully submits that clearly such is **not** the case here.

More specifically, in Goto (and in Matsutani) the message generated by the controller is **different** from the message received by it, whereas in Applicant's independent claims 1 and 10 it is required that the message be both **pre-established** and also of the **same** format, a feature which is not described or even suggested in either Goto or Matsutani.

Therefore, with respect to the pending claims 1-16, Goto and/or Matsutani are **incapable** of anticipating or rendering *prima facie* obvious the invention/subject matter of claims 1-16. (The added "same format" limitation is clearly supported in Applicant's specification at least at page 6, third full paragraph, and page 9, third full paragraph, and in Fig. 4 (which shows that all the messages (M1, M2,..., Mn) have the **same format**.)

As further evidence of the novelty and non-obvious of claims 1-16, Applicant notes that the "common bus" limitation of Applicant's claims provide for the interchange of data items between the controllers, a feature which neither Goto nor Matsutani (or any other cited reference) teaches or suggests. EP '107 merely teaches that field controllers 12 communicate with an area controller 11 which is a central unit, and no mention is made as to communication between the field controllers through a common bus via which data items are interchanged. The function of the area controller 11 in EP '107 is a central function of control (see column 4, lines 16-17); such an area controller does **not** control "peripheral units" as required by Applicant's pending claims 1-16. Rather, the field controllers 12 in EP '107 control peripheral units as described in column 4, lines 19-25; however, the field controllers do not interchange data items between themselves.

In summary, then, neither Matsutani nor Goto, alone or in combination, teaches or even suggests Applicant's claimed feature of messages having formats **substantially independent of the size of data contained therein**. Furthermore, EP '107 does not teach the claimed feature of interchanging data items between the controllers through a common bus. Therefore, even if, for some unknown reason, a person were to combine selected features of Goto, Matsutani and EP '107, there would not be produced the subject matter of any of the claims 1-16.

Limiting claims 1 and 10 to messages that have the "same format", even further distinguishes the subject matter of claims 1-16 from the prior art applied by the Examiner under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a).

Thus, Applicant respectfully requests the Examiner to reconsider and withdraw all objections and rejections, and to find the application to be in condition for allowance with claims 1-16 and new claim 17 (which is equal to the allowable claim 6/5/4/1).

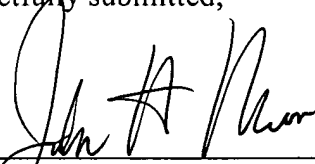
However, if for any reason the Examiner feels that application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLN. NO. 09/898,066

Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



---

John H. Mion  
Registration No. 18,879

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
(202) 663-7901

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: February 28, 2005